

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:04CR3006
)	
v.)	
)	
ANDRES CANCIO AQUIN,)	MEMORANDUM AND ORDER
)	
Defendant.)	

The defendant has filed a motion for modification of sentence pursuant to 18 U.S.C. § 3582(c). He argues that his sentence must be reduced pursuant to Amendment 591 to the Guidelines that became effective November 1, 2000. Since the defendant was sentenced in 2005 under the 2003 edition of the Guidelines manual (filing 35 at CM/ECF p. 8 and ¶ 32) and that version included all amendments that were effective on or before November 5, 2003, and, furthermore, since the defendant was sentenced pursuant to a binding plea agreement under Rule 11(c)(1)(C) that called for the imposition of the specific sentence (121 months) (filing 19 at CM/ECF p. 4 and ¶ 10) that the defendant in fact received (filing 36), it is apparent that he is not entitled to any relief. Therefore,

IT IS ORDERED that the motion for modification (filing 46) is denied.

DATED this 31st day of August, 2009.

BY THE COURT:

Richard G. Kopf
United States District Judge